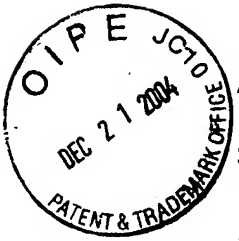


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s): Mitchell F. Brin, et al.

Serial No.: 10/754,364

Filed: January 8, 2004

For: METHODS FOR TREATING
VASCULAR DISORDERS

Examiner: Lora E. Barnhart

Group Art Unit: 1651

Confirmation No.: 7607

Irvine, California

RESPONSE TO OFFICE ACTION

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The December 10, 2004 office action (the "Office Action") in this application¹ requested applicant to restrict to one of Group 1 (claims 1-4) and Group 2 (claims 5-8) and Group 3 (claims 9-12).

Applicants elects Group 1, claims 1-4 with traverse on the basis that since all of the claims are limited to uses of a botulinum toxin a single search should suffice to search all the claims.

Applicants hereby cancel non-elected claims 5-12 without prejudice to further prosecution as a later date.

The Office Action also requested applicant to elect one of the species of botulinum toxin types A, B, C, D, E, F or G


Applicants elect the species botulinum toxin type A. The claims which read on this elected species are claims 1-12, that is claims 1 to 12 all encompass use of a botulinum toxin type A.

Applicants elect the species botulinum toxin type A with traverse on the basis that is well known that:

"The botulinum toxins comprise a family of pharmacologically similar toxins that block acetylcholine release from peripheral nerves and cause a flaccid paralysis. All of the serotypes of toxin can poison humans and other animals..." Page 81, left hand side of Schantz, E.J., et al, *Properties and use of Botulinum toxin and Other Microbial Neurotoxins in Medicine*, Microbiol Rev. 56;80-99:1992 (copy enclosed).

All issues raised by the Office Action have been addressed. Examination and allowance of claims 1-4 is requested.

Respectfully submitted,


Stephen Donovan
Registration Number 33,433

Date: December 21, 2004


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CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date DECEMBER 21, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EV193719815US addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Bartholomew

Name of person mailing paper


Signature of person signing paper

Date: December 21, 2004